

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY  
**ASBESTOS LITIGATION**

**Docket No:** L-3922-15 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER III**

DONNA BABICH ESTATE of THEODORE BABICH,  <i>Plaintiff(s),</i>
vs.
3M COMPANY, et al  <i>Defendant(s).</i>

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on June 24, 2016:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Joseph J. Mandia	Plaintiff(s)
Breuninger & Fellman	Raymond Chow	Genuine Parts Co.
Caruso Smith	Alexandra Caruso	Union Carbide
Gibbons PC	Mark R. Galdieri	Honeywell Int'l
Goldberg Segalla	David Rutkowski	Robert Bosch, LLC; McCord
Greenbaum Rowe	Brian Kornbrek	Honda
Landman Corsi	Charles Mondora	Federal Mogul
Lavin O'Neil	Donna Candelora	3M Company
Lavin O'Neil	Rebecca Mamone	Nissan North America, Ind.; Toyota Motor Sales, USA, Inc.
LeClari Ryan	John Soltesz	Ford
Lynch Daskal	Alexander Broche	Luk Clutch Systems, LLC
O'Toole Fernandez	Michael Garcia	Dana
Porzio Bromberg	Michelle Burke	BMW of North America, LLC
Rawle & Henderson	Jamie Augustinsky	Volvo Group of North America, LLC
Segal McCambridge	Kevin Turbert	BW/IP

IT IS on this 30<sup>th</sup> day of **June, 2016**, *effective from the conference date*;

ORDERED as follows:

Counsel receiving this Order through computerized electronic medium (E-Mail) shall be deemed by the court to have received a copy of the filed original court document. Any document served pursuant to this Order shall be deemed to be served by mail pursuant to R.1:5-2.

**DISCOVERY**

August 5, 2016            Plaintiff shall serve answers to wrongful death interrogatories by this date.

August 31, 2016        Defendants shall serve answers to supplemental interrogatories and document requests by this date.

- August 31, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- October 31, 2016 Fact discovery, including depositions, shall be completed by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if all fact discovery is not completed.
- November 30, 2016 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- December 16, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- December 16, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- January 6, 2017 Summary judgment motions shall be filed no later than this date.
- February 3, 2017 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- October 31, 2016 Plaintiff shall serve medical expert reports by this date.
- October 31, 2016 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- March 15, 2017 Defendants shall identify its medical experts and serve medical reports, if any, by this date. **In addition, defendants shall notify plaintiff's counsel (as well as all counsel of record) of a joinder in an expert medical defense by this date.**

### **LIABILITY EXPERT REPORTS**

- January 3, 2017 Plaintiff shall identify its liability experts and serve liability expert reports or a certified expert statement by this date or waive any opportunity to rely on liability expert testimony.
- March 15, 2017 Defendants shall identify its liability experts and serve liability expert reports, if any, by this date or waive any opportunity to rely on liability expert testimony.

### **ECONOMIST EXPERT REPORTS**

- January 3, 2017 Plaintiff shall identify its expert economists and serve expert economist report(s), if any, by this date or waive any opportunity to rely on economic expert testimony.
- March 15, 2017 Defendants shall identify its expert economists and serve expert economist report(s), if any, by this date or waive any opportunity to rely on economic expert testimony.

### **EXPERT DEPOSITIONS**

- April 7, 2017 Expert depositions shall be completed by this date. To the extent that plaintiff and defendant generic experts have been deposed before, the parties seeking that deposition in this case

must file an application before the Special Master and demonstrate the necessity for that deposition. To the extent possible, documents requested in a deposition notice directed to an expert shall be produced three days in advance of the expert deposition. The expert shall not be required to produce documents that are readily accessible in the public domain.

**PRE-TRIAL AND TRIAL**

September 22, 2016                      The settlement conference previously scheduled on this date is **cancelled**.

March 21, 2017 @ 10:00am              Settlement conference. All defense counsel shall appear with authority to negotiate settlement and have a representative authorized to negotiate settlement available by phone. Any request to be excused from the settlement conference shall be made to the Special Master no later than 4:00pm of the day prior to the conference.

April 24, 2017                              Trial Date. (*The October 17, 2016 trial is adjourned to this date.*)

***Plaintiff(s) counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.***

*/s/ Ana C. Viscomi*  
ANA C. VISCOMI, J.S.C.

cc:            Clerk, Mass Tort